

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re C.H. Robinson Worldwide, Inc.,

Overtime Pay Litigation

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**CASE NO. 07-MD-01849
(JNE)**

**RENEWED JOINT MOTION OF THE PARTIES TO BIND CERTAIN
MALE PLAINTIFFS TO THE GENERAL WAIVER AND RELEASE
PROVISIONS OF THE SETTLEMENT AGREEMENTS**

Plaintiffs and Defendant C. H. Robinson Worldwide, Inc. (“CHRW”) (collectively, the “Parties”) hereby jointly request the Court to enter an order binding Plaintiffs Scott Evans, Steven Gile, and David Kreidler (“the Three Opt-In Male Plaintiffs”) to the identical general release and waiver language in the Settlement Agreements (the “Agreements”) executed by the other approximately 467 Plaintiffs in this consolidated action. The Parties state as follows in support of their renewed joint motion:

1. As further set forth in the Parties’ Renewed Joint Motion to Approve the Settlements and the Renewed Joint Memorandum of Law in Support, the Parties resolved their differences after months of arduous, arm’s-length bargaining that resulted in nearly identical individual Agreements that embody reasonable compromises that are fair to the Parties and are in the best interest of the Plaintiffs.

2. As a material part of these negotiations, CHRW sought not only dismissals with prejudice of all pending FLSA claims, it also bargained for and received the promise that *all* Plaintiffs who were willing to accept a monetary settlement would also sign the standard Agreement, which contained, among other things, a broad general waiver and release that forecloses any and all claims, known or unknown, the Plaintiffs could bring against CHRW up to the date of execution.

3. Except for the Three Male Opt-In Plaintiffs, all Plaintiffs, male and female, have either: 1) signed Agreements and returned them to their counsel; 2) voluntarily dismissed their claims with prejudice; 3) Plaintiffs' counsel has moved to dismiss the claims of certain Plaintiffs, with prejudice, based on these Plaintiffs' express desire to have their claims dismissed; or 4) CHRW has moved to dismiss certain Plaintiffs' claims with prejudice for want of prosecution.

4. The Three Male Opt-In Plaintiffs have previously informed their attorneys, Mansfield, Tanick & Cohen, P.A. ("MTC") (orally and/or via e-mail) that they accept the proposed settlement amounts. MTC, however, has not received the executed settlement documents from these six individuals, despite counsel's numerous attempts to contact these individuals and secure such signatures. (Schaefer Dec. at ¶¶ 6-9, attached as Exhibit "A").

5. Until CHRW receives the fully executed Agreements from the Three Opt-In Male Plaintiffs, or alternatively these individuals are ordered bound by the general release and waivers contained within the Agreements, CHRW has not received the benefit of its bargain to settle all pending FLSA claims.

6. The delay of these three individuals in returning signed Agreements is preventing the Parties from moving forward with their renewed joint motion to approve all settlements, and this Court's approval of such settlements. Accordingly, the Parties and this Court are being unduly prejudiced by this delay.

WHEREFORE the Parties respectfully request that the Court enter an order binding Plaintiffs Scott Evans, Steven Giles, and David Kreidler to the terms of the attached Settlement Agreement and General Release and Waiver (which has already been agreed to among the Parties), as if they had each signed such Agreements, and dismiss their claims with prejudice.

Respectfully submitted,

s/ Lawrence P. Schaefer

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